

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 02, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STAFONE FUENTES,

Petitioner,

v.

JEFFREY PERKINS,

Respondent.

No: 2:24-CV-00223-RMP

ORDER DISMISSING ACTION

By Order filed July 31, 2024, the Court advised Petitioner Stafone Fuentes, a *pro se* prisoner at the Coyote Ridge Correction Center, of the deficiencies of his Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254 and directed him to amend within sixty days. ECF No. 5. The \$5.00 filing fee was paid on July 8, 2024.

Specifically, Petitioner did not to present information in his Petition that is necessary for this Court to proceed with this action. *See* ECF No. 5 at 2–5. On August 23, 2024, the Court received an unsigned letter from Mr. Fuentes, in which he notifies the Court that he will not be filing “that Habeas Corpus petition” and that

1 he is “forfeiting [his] appellate rights.” ECF No. 6 at 1–2. Indeed, he confesses that
2 he is “in fact guilty of shooting [the crime victims].” *Id.* at 1.

3 The deadline to amend the petition was September 30, 2024. Petitioner did
4 not amend as instructed and filed nothing further in this action. For the reasons set
5 forth in the Order to Amend Petition, ECF No. 5, this action will be dismissed
6 without prejudice.

7 Accordingly, **IT IS HEREBY ORDERED:**

8 **1. This action is DISMISSED without prejudice.**

9 **2. The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal**
10 **from this decision could not be taken in good faith and there is no basis**
11 **upon which to issue a certificate of appealability. See 28 U.S.C. § 2253(c);**
12 **Fed. R. App. P. 22(b). A certificate of appealability is therefore DENIED.**

13 **IT IS SO ORDERED.** The District Court Clerk is **DIRECTED** to enter this
14 Order, enter judgment, provide copies to Petitioner, and **close** the file.

15 **DATED** October 2, 2024.



18
19

A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, written over a horizontal line.

20 Stanley A. Bastian
21 Chief United States District Judge